

REMARKS

Claims 1 - 21 remain active in this application. Amendment of claim 16 has been requested to improve form and clarity in response to a criticism by the Examiner. No new matter has been introduced into the application. The withdrawal of numerous grounds of rejection stated in the previous office action is noted with appreciation.

The Examiner has withdrawn the previous objection (requiring the label "prior Art" to be applied) to Figure 1 but maintained the objection in regard to Figure 6 without comment in regard to the response previously made. This objection is again respectfully traversed. A telephone call was placed to the Examiner on September 10, 2004, pointing out the response previously made which indicated that information concerning the invention was, in fact, represented in Figure 6 and that the legend "Prior Art" was inappropriate for that reason. The Examiner agreed and indicated that no further response beyond this summary of the telephone interview was required in answer to this objection. Accordingly, it is requested that this objection to claim 6 be withdrawn.

Claims 7, 11, 12, 16, 19 and 21 have been newly rejected under 35 U.S.C. §112, second paragraph, as being indefinite; the Examiner questioning whether or not the recitations following the term "associative" apply to the claimed invention. This ground of rejection is respectfully traversed particularly as being unclear as to the nature of the Examiner's criticism. In this regard, it is respectfully pointed out that the phrase "associative information model" is explicitly defined at page 8, line 4+, of the present specification (and the fact that such an associative representations of physical, functional and operational information concerning complex systems are not

supported in commercially available software is noted at page 2, line 27+). Therefore, this criticism is understood to refer to recitations following "associative information model" and not merely "information model" following "associative" and raises a question of whether or not the recitations following the phrase pertain to the associative information model as an element of the claimed invention.

This ground of rejection, as understood, is seen to be at least arguably well-taken in regard to claim 16 only (although it is respectfully submitted that the claim, as filed, can be readily understood and its scope readily determined) and claim 16 has been amended to clarify which following recitations pertain to the associative information model and which pertain to the claimed object oriented database. Therefore, it is respectfully submitted that this ground of rejection has been rendered moot in regard to claim 16 by the above proposed amendment thereto.

However, in regard to the other claims included within this ground of rejection, it is respectfully submitted that this ground of rejection is in error and without substantive basis. It is respectfully submitted to be abundantly clear from the text of the remainder of the claims included within this ground of rejection that the recitations following "associative information model" are directed to the information which is included or the manner in which such information is derived and thus clearly pertain to the associative information model. For example, claims 7 and 19 recite that the associative data model *defines* data for domain areas un integrated into the CEE by the domain user interface and thus clearly refers to data included within the associative information model. Likewise, claims 11 and 21 recite that the associative information model is developed from a life cycle perspective of implemented domains models and which is

thus clearly indicated to pertain to the associative information model. Therefore, it is respectfully submitted that claims 7, 11, 12, 19 and 21 do not present any ambiguity or impede the determination of the scope thereof in any way and this ground of rejection is thus without substantive basis in regard to these claims and the issue raised by the Examiner. Accordingly, reconsideration and withdrawal of this ground of rejection is respectfully requested.

The Examiner has maintained the rejection for double-patenting but has now confused the basis on which the rejection is made. As stated, the rejection is made under 35 U.S.C. §101 but the discussion of the rejection refers to "judicially created" and "obviousness-type" double patenting; these different types of or rationales for double-patenting rejections being necessarily mutually exclusive. This ground of rejection is respectfully traversed for that reason as well as the reasons previously made of record which the Examiner has failed to address in the present office action.

The Examiner's attention is respectfully called to the fact that application 09/666,545, which the Examiner relies upon in this ground of rejection, is a continuation-in-part of the present application 09/631,694. The present application does not claim the catalog enhancement of 09/666,545 to which all claims of that application are directed by virtue of the "parts objects" and "parts references" or "identifying parts" and "customizing parts" recitations of independent claims 1 and 11, respectively, the only independent claims in that application. Thus, that application is directed to a perfecting feature of a generalized CEE system of which the invention recited in the present application is a preferred form and environment. Therefore, it is clear that the claims of the present application cover patentably distinct

subject matter from that of 09/666,545 and there is no possible extension of monopoly. Further, the invention of 09/666,545 can be used in a generalized CEE environment and, although the environment of 09/631,694 is preferred, does not rely on the particulars thereof to produce the meritorious effects of improved data collection and convenience of data distribution and use. Therefore, a patent on the present invention cannot have the effect of requiring a license of one invention in order to practice the other or vice-versa and there can be no justification for requiring common ownership as a condition of enforceability.

Accordingly, it is respectfully submitted that there is no statutory double patenting issue presented since the claimed subject matter of the two applications is not "the same invention" and there is no public interest protection issue present to support a non-statutory, obviousness type double patenting rejection. The Examiner has not made a *prima facie* demonstration of the propriety of a rejection made on either basis. Thus, this rejection is clearly untenable and reconsideration and withdrawal of the same is respectfully requested.

Claims 1 - 21 have been rejected under 35 U.S.C. §103 as being unpatentable over (newly cited) "Hara-H" (Hara et al.) in view of McQuary (sic - McQuay); The Examiner observing that Hara teaches a basic conceptual CEE environment without teaching an application while McQuay teaches application of such a CEE environment to a particular design technology. This ground of rejection is respectfully traversed, particularly since the Examiner has not demonstrated how the applied combination of newly cited references answers the actual recitations of the claims and does not even indicate a basic understanding of the invention, as claimed.

Hara et al. is a basic, conceptual description of a CEE environment in which information is distributed as web pages, similar to CEE arrangements discussed in the prior art section of the present application. However, as pointed out above, the present specification also indicates, beginning at page 2, line 27, that associative representations of physical, functional and operational information are not accommodated or supported by such systems. Therefore, such web page based systems do not support access to "expert" information (e.g. in regard to particular domains of information) as part of the CEE environment but such access is, in fact, provided through utilization of an associative information model such that expert information can be readily associated with other information in the system and access thereto thus facilitated such that the associative information model need only contain essential information but other information can be generated and presented on an as-needed basis (see page 7, line 26+, particularly page 8, lines 16 - 19) to thus facilitate cross-domain collaboration which has been only minimally available, if at all, in known systems. Contrary to the Examiner's assertions, none of the cited passages (including the Abstracts) of Hara or McQuay mention any associative technique for handling data, much less an associative information model having the functions recited in independent claims 1, 12 or 16 or any of the dependent claims. At best, Hara suggest developing a Gantt chart and linking it to a business function object which certainly falls far short of an associative information model as disclosed and claimed.

In summary, the newly cited references relied upon do not contain the teachings or suggestions which the Examiner attributes to them, clearly indicating that these documents must have been construed through impermissible hindsight in light of the present

disclosure or evidence of a level of ordinary skill in the art which would support a conclusion of obviousness of the subject matter of any claim since the references do not lead to an expectation of success in realizing the meritorious functions of the invention such as facilitating cross-domain collaboration. By the same token, the Examiner has clearly failed to make a *prima facie* demonstrations of obviousness of any claim in the application. Therefore, it is respectfully submitted that this ground of rejection is untenable and, upon reconsideration, must be withdrawn.

It is also respectfully submitted that the finality of the present action is premature. The rejections under both 35 U.S.C. §112 and §103 are new grounds of rejection and clearly were not necessitated by amendment since the previous response did not amend any claim in the application. Therefore, it is respectfully requested that the finality of the present office action be withdrawn and the above-requested amendment be entered as a matter of right. In any case, entry is believed to be well-justified as directly addressing a criticism (newly) raised by the Examiner (see 37 C.F.R. §1.116), raising no new issue and placing the application in condition for allowance or, in the alternative, in better form for Appeal. It is also respectfully pointed out that since the Examiner has not *prim facie* demonstrated the propriety of any ground of rejection in the present office action, any adverse further action cannot properly be made final.

Since all rejections, objections and requirements contained in the outstanding official action have been fully answered and shown to be in error and/or inapplicable to the present claims, it is respectfully submitted that reconsideration is now in order under the provisions of 37 C.F.R. §1.111(b) and such reconsideration is respectfully requested. Upon

reconsideration, it is also respectfully submitted that this application is in condition for allowance and such action is therefore respectfully requested.

If an extension of time is required for this response to be considered as being timely filed, a conditional petition is hereby made for such extension of time. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



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